

JUL 25 2006

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JEFFREY A. MCCLELLAN, # 338295,)
Plaintiff,)

Civil Action No. 7:06cv00426

v.)

FINAL ORDER

WARDEN K. BASSETT,)
Defendant.)

By: Samuel G. Wilson
United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ADJUDGED AND ORDERED** that this action shall be and hereby is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1), all pending motions are hereby **DENIED as MOOT**, and this case shall be **STRICKEN** from the active docket of the court.

Plaintiff is hereby **ADVISED** that this dismissal constitutes a third "strike" pursuant to 28 U.S.C. §1915(g).¹ Accordingly, McClellan is hereby **NOTIFIED** that he cannot file any future civil actions without prepayment of the \$ 350.00 fee required for filing civil actions unless he demonstrates that he is "under imminent danger of serious physical injury." § 1915(g).

The Clerk of the Court is directed to send a certified copy of this Order to the plaintiff.

ENTER: This 27th day of July, 2006.

[Signature]

United States District Judge

¹ See McClellan v. Smith, Civil Action No. 7:97cv00087 (W.D. Va. Feb. 6, 1997) and McClellan v. Smith, Civil Action No. 7:96cv01004 (W.D. Va. Dec. 23, 1996).